A SPEECH OF Mr. Iohn White

Counsellor at *Law*, made in the Commons House of PARLIAMENT.

Concerning

EPISCOPACY.

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A Speech of Master JOHN WHITE Counsellour, concerning *Episcopacy*.

EPiscopacy as it stands in this Kingdome, comprehends in it *in linea recta*, these foure degrees, the Deacon, the Presbyter, the Bishop and the Archbishop, Every Archbishop wades through every of these ordinarily.

Of the first and last we have no *vestigium* in the holy Scriptures. This Deacon may Preach and Baptize and helpe the Presbyter to administer the Lords Supper, but may not consecrate the elements in the Lords Supper: * contrary to the Scriptures, by which Preach and Baptize, is a full commission for the exercise of all the ministeriall function. *Mat.* 28.19.

* Book of ordering of Deacons.

The Deacon mentioned in holy Scripture, is the same in office with our Church-warden, to looke to the Church goods and the poore, *Acts* 6. 1 *Tim.* 3.

The Presbyter is of all hands acknowledged to be, *Iure Divino*.

The Bishop is considerable in respect of his traine, and secondly, in respect of himselfe.

His traine are these, first the Deane and Chapter (called Prebends, *quia præberent auxilium Episcopo*) and were originally ordained for his counsell to advise him in difficulties in Religion, and to advise him in, and consent unto his dispositions of his possession, *Coke* r. 3. Deane and Chapter of *Norwiches* case.

Secondly, the Archdeacon is the *oculus Episcopi* to discover and punish offences spirituall and Ecclesiasticall within his limits, *& manus Episcopi*, to present unto him such as are to be made Deacons and Presbyters, and to induct such as he admits and institutes into Benefices.

Thirdly, his Chancellors, Vicars generall, Commissaries, Officials, Surrogates, Registers, Promoters, and others belonging to his Cathedrals.

These be all meerely human, and may be taken away without offence to God or conscience, if there appeare just cause for it.

The Bishop in respect of himselfe is considerable in his Barony and temporalities and his spiritualities.

The first, is meerely *Ex gratia Regis*, and in this Kingdome began 4. of *William* the conquerer: * And by vertue hereof they have had place in the house of Peeres in Parliament. 7. H. 8. 1846 *Rot.* it is resolved by all the Iudges of *England*, that the King may hold his Parliament by himselfe his temporall Lords and Commons without any Bishop, for a Bishop hath not any place in Parliament by reason of his spiritualities, but meerly by reason of his Barony, and accordingly Acts of Parliament have been made, 2. *Rich.* 3. c. 3. and at divers other times.

* Case of tenures 35 a.

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They have usurped the name of spirituall Lords, but of late, and were first called so, 16 *Rich.* 2. c. 1. in our statutes.

By his spirituall ties, I meane those wherein he is more then a Presbyter, and therein I consider his authority over Presbyters by the Oath of canonical obedience, by which he may command them to collect tenths granted in convocation, &c. 20. H. 6. 13. p. 25.

Secondly, his Office which is partly judiciall, and partly ministeriall, judiciall, by which he is Iudge in his Courts of all matters Ecclesiasticall and spirituall within his Dioceſse, *Cok. Rep.* 8. *Trollops c.* Secondly, he is Iudge of the fitnesse of such as are presented unto him to be instituted into benefices, *Cok. Rep.* 5. *Specot's. cap.*

Ministerial, and thereby he is to sacred places Dedicate to Divine service. 9. H. 6. 17. p. 8. Secondly, he is to provide for the officiating of cures in the avoydance of Churches on neglect of the Patrons presenting thereunto. Thirdly, he is to certifie loyall Matrimony, generall bastardy and excommunication. Fourthly, to execute judgements given in *quare impedit*, upon the writ *Ad admittendum Clericum*, and other, &c.

Fifthly, to attend upon tryals of life, to report the sufficiency or insufficiency of such as demand Clergy. Sixthly, to ordaine Deacons and Presbyters.

All these I conceive to be *Iure humano*, given to these Bishops, and may upon cause be taken away from them.

Ob. Bishops have been in the primitive Church, and are Apostolicall and from the beginning.

Sol. To this I answer, first, that in the pure primitive times of the Church, the history whereof is recorded in the Acts and Epistles of the Apostles, (in which the first and best patterns of Church government is expressed) there is no mention of other Bishops then the Presbyters, as appears.

First the holy Scriptures declare the duties and office of Presbyters and Bishops to be one and the same. The Bishop is to teach and rule his Church or congregation, 1 *Tim.* 3. 2. 5. and the Presbyter is to teach and feed his flock, and to oversee, care for, and rule them, 1 *Pet.* 5. 2. 3.

2. The Presbyters are in holy Scriptures, said to be the Bishops of the Holy Ghost. *Act.* 20. 28. *Paul* charges the Pres. of *Ephesus* to take heed to the flock wherof the holy Ghost had made them Bishops. And other Bishops the holy Ghost never made.

3. *Ephes.* 4. 11. God is said to have given to his Church for the perfecting of the Sts. for the work of the Ministery, and for the edifying of the body of Christ, Apostles, Prophets, Evangelists,

lists, Pastors and Teachers, here is an expresse enumeration of the officers God hath given, whereof the first 3. are extraordinary & ceated: and the last onely remaines, and is to remaine untill we all come to perfection, as it is, v. 13. and this perpetuall officer is called Pastor, in relation to his flock whom he is to governe in *Spirituall bus*, and Teacher in respect of his duty to feed them with the word of truth & is the very same with the Presbyter, as appeares above. *Argumentum a divisione est fortissimum.* The Bishop as he is any more then a Presbyter is none of these, no officer given by God, & therfore ought not to be in the Church Christ the King of his Church was faithfull in his house, not only as a servant as *Moses* was but as the Son in an excellency & eminency, *Heb.* 3. 5. and to his kingly office it pertaines to appoint the officers he wil use for the government of his Church in *spiritualibus*, and it agrees not with his faithfulnes to neglect or omit the appointment of them, and leave his house his Church without such officers. He is only wise & therefore best knows what officers are useful for his Church, and infinitly loving of his Chu. & therfore hath not left her, without any officer fit for her.

Titus in the end of *Paul* Epistle unto him is said to be the first Bishop of *Creet*. and *Timothy* in the end of the Epistles unto him, to be the first Bishop of *Ephesus*.

Ob. Sol.

Those addition are superfluous, and no part of the holy Scriptures & as *Beza* observes are not in many Greek ancient coppies to be found and this is so evident as it is granted * by most Divines. 2. And as they be no part of the Scriptures of God, so they be apparantly contrary unto them. for by them it appears, that they, namly *Titus* & *Timothy* were Evangelists extraordinary officers associats, and fellow helpers o the Apostles in their general and universall function attendant upon them, and sent by them (as occasion required) from one Church to another never keeping any fixed residence any where * and if they had bin Bishops of any place, *Paul* would never have suffered, much lesse forced them to be non-residents. S. *John Rev.* 1. 2. writing to the 7 Churches of *Asia* directs his speech to the Angel of each Church & in each of thos Churches there were then several congregations & Presbyters, therefore the Angel was the Bishop over them.

To this I answer, that as Angel is a name common to all Presbyters who are Christs messengers & ambassadors: So it appears to be used here by the very context c. 2. v. 10. Where speaking to the Angel of the Church of *Smyrna* the holy Ghost saith *Feare none of the things thou shalt suffer, the Devil shall cast some of you into prison, but be thou faithfull, &c.* Angel (being *nomen multitudinis*) is taken in these chapters collectively for all Presbyters (some of whom the

* Perk. upon Gal. 1. *in fine.*

* For Tim. See 1 Cor. 4. 17 & 16. 10. Acts 17 13. 15. & 19. 22. & 20. 4, 5. 1 Thes. 3. 1. 6. Heb. 13. 25. Col. 1. 1. Phil 1. 1. & 2. 19. For Titus See 2 Cor. 7. 13. & 8. 6. 16, 23. & 12. 18. Gal. 2. 1. 2 Tim. 4. 10. Tit. 1. 5. & 3. 12.

adversaries should imprison,) and not for any one above or before the rest. The same appears in the like manner, v.13.23.

Seeing then the Episcopacy may be taken away in all, wherein it exceeds the Presbyters office, and that the office of the Presbyter is clearely *jure divino*; I conceive we are first to restore the Presbyter to his due, and to him it belongs to teach and feed his flock, and to oversee, care for, and rule them in *spiritualibus Act* 20. 17. 1 *Tim.*3.2.5. 1 *Pet.*5.2,3. So saith the holy Scripture.

And so saith our Law also. He is to minister the doctrine and the Sacraments, and the discipline of Christ, as the Lord hath commanded, and as this Realme hath received the same according to the commandements of God: See the Book of ordering of Priests in the 3 question. And he is called in our Law, *Rector Ecclesiæ*, and the words of his Institution be, *Te rectorem Ecclesiæ instituimus, curamque & regimen animarum parochianorum tibi in Domino committimus.*

The Bishops have taken by usurpation from the Presbyter divers rights: first, contrary to his Ordination and Institution; they will not suffer him to preach in his owne cure without a Licence.

Secondly, they restraine him from preaching some doctrines, as of predestination and others that overthrow Arminian tenets, when his faithfulnesse in his office requires he should keep nothing back, but to shew them all the counsell of God, *Act.*20, 27. * Thirdly, they wil not suffer him to intermeddle in the discipline. These usurpations I conceive are to be taken away, and the Presbyter to be left free from them.

* This is read to the Presbyter upon his ordination and his charge then given him is remarkable, See the booke of Ordering Priests.

Secondly, for the Episcopacy I conceive, that first their Baronies and the intermedling of the Clergy in civil counsels, affairs and imployments, ought to be taken from them.

First, I conceive such bapp. and intermedling is against the Law of God, Christ refused to intermeddle in dividing inheritances (though more able and fit for it then any Bishop) *Luke* 12.13. and saith his Kingdome is not of the world, *Iohn* 18.36. and the Disciple is not above his Master, *Mat.*10.24, and *Act.*6. The Apostles refuse to intermeddle in the Deacon or Churchwardens office, though of all earthly imployments the neerest to the Church, and the reason they give is remarkable for this purpose, because they were to attend to prayer, and administration of the word, and therefore not meet for them to attend such secular matters, and 2 *Tim.*2.4. the Apostle layes downe a rule in this case, that *nemo se militans Deo implicat negotiis hujus seculi*, & upon this ground, even the Popes Canon-lawes are against these things, as inconsistent with the ministeriall function. And the

due

due execution of the Commission, Go preach and baptize, is of it selfe burthen and worke enough for any man whatsoever his gifts and parts be, and made *Paul* though of a more excellent and able spirit, cry out under the sense of the waight of it, Who is sufficient for these things? 2 *Cor.* 2. 16.

Secondly, it is against the fundamentell Lawes of this Land, whereby they that are within holy Orders, that they may the better attend upon, and discharge their duties, are not to be intangled with temporall businesse, and therefore if any such be chosen to any temporall office, the Law hath ordained a Writ to discharge them thereof, *Reg.* 187. 6.

Non est consonum quod ille qui salubri statui animarum & piis operibus continue deservit ad insistendum in secularibus negotiis cōpellatur. Vide the Writ.

The King may command the service of men in orders, and then it is to be given him by naturell allegiance.

This rule admits two exceptions, and both are in this case: first, except the service from that person be against the Law of God as here it is, and then it is better obey God then man, in *præsentia majoris cessat potestas minoris.*

Secondly, if the service concerne the Common-wealth, and the person of whom it is required, be not sufficient for it, nor brought up unto it, the command is against Law, and the service not to be done, if the King grant the office of the Clarke of the Crowne to one not brought up to it, it is voyd and the service not to be intermedled withall by him 9. *Ed.* 4. 56. *Wint.* case.

Secondly, that part of the Bishops spirituall office by which he claimeth superiority over Presbyters ought to be taken as I conceive from them as being against the will of God.

The Apostles questioning among themselves which should be the superiour, are sharply reproved by our Saviour for it, and he tels them plainely it shall not be so among them, *Mar.* 30. 42. *Luk* 22. 25. and *Diotrophes*, 3 *Ioh.* 9. is branded for it that he sought preheminence in the Church. The mysterie of iniquity in the Popish Hierarchy, in the Presbyters exalting themselves, began to work * in the purest primitive times, (as we see in *Diotrophes* and *Peters* caveat. 1 *Pet.* 5. 3.) and never left till it came to the Pope, the highest degree and top thereof; By which it seemes to me evident, that to leave the patterne of Church government set down in the word of God, to follow the examples of after ages upon a false cry of primitive times, is to forsake the pure fountaine, and wallow in the muddy and corrupted streames of antichristian ambition.

Thirdly, that part of the spirituall office of the Bishop whereby he is to instruct the people committed to his charge, with the holy Scriptures, as upon the 2. question put unto him at his consecration, he undertakes to doe ought (as I conceive) to be reduced

duced to a possibility for him to perfome it. It is impossible for him to do it to a whole Diocesse, therfore he should be limited to some particular congregation unto which he might performe this trust which requires sufficiency, attendance and diligence.

Fourthly, Ordination in the Scriptures is ever expressed to be by them in the Church, that had authority and were officers in the Church as Apostles, * Evangelists * and after by the Presbytery. And a shadow of this remains in our Law, for the Bishop only is not to lay hands upon the party to be ordained, but the Presbyters there attending * are to joyne with the Bishop therein. This I conceive is not fit to be in the hands of any one ordinary officer in the Church, the discerning of the gifts, abilities & faithfulnes of persons to be ordained Presbyters requiring great judgment care and circumspection. *Plus videt oculi quàm oculus.* The like I say of deprivation.

* Acts 14. 23.
* Tit 1. 5, 6, 7.
1 Tim. 4. 14.
2 Tim. 1. 6.
* Book of ordering Priests.

Fifthly, Excommunication by the scriptures ought to be only in case of enormous offences and obstinacy in them, and onely in the congregation, wherof the party to be excommunicate is a member 1 *Cor.* 5. 4. Tell the Church cannot be meant of one man, *Mat.* 18. 17. *Diotrophes* is branded for taking upon him alone to cast any out of the Church. This also abused as well as usurped by the Bishop is to be reformed.

Sixtly, Institution and induction are usurped by the Bishops upon the fundamental Lawes of this Kingdome, by which the Patron after his Clerk was ordained, did without any more invest him into the Church. See *Selden* of tithes 86. And a relick of this we retaine still in Churches that be donatives.

Seventhly, The jurisdiction of tithes, causes matrimoniall, and causes testamentary in the times of the increasing power of the Pope when the Bishops therby grew more formidable were taken from the civill Magistrate to whom originally they belonged, upon pretence, that the tithes were *Iure divino*, the Churches patrimony and marriage a Sacrament, and that the disposing the goods of the dead, most properly belonged to him for the good of the soule in purgatory to redeeme it thence, to whom the cure of the soule appertained in his life time, *Vide* 2. *R.* 3. *Testaments* 4. 11 *H.* 7. 12 *B. Plowden* 279. *B. Foxes c. Cok rep.* 9. 37. *B. Houstoes case. Dames rep.* 97. *B. Lalors. Selden* of tithes. 415.

Eighthly, The matters which are meerely and only spirituall, (which are properly of Ecclesiasticall conizance) were antiently by the Lawyers of this Kingdome heard and determined in the county and hundred courts by the Sheriffe and the Bishop, and by *William* the Conqueror these matters were taken thence and appropriated to the Bishop alone. 2 *R.* 2. *Rotul.* Parliament, *num.* 12. *Selden* of tithes 412. Book of Martyrs, 154.

And

And by the Law of God (as I conceive) they ought to be heard and determined by them that have rule in the particular congregations and Churches, *Mat.* 18. 17. 1 *Cor.* 5. which if it were so among us would be a wonderfull ease, and save great charges to the subject.

And where the difficulty of case or greatnesse of the persons whom it may concerne, or where the Governours in particular Congregations demeane not themselves as they ought, it ought to be referred to a Synod of Presbyters, so many as shall be thought meet, as *Acts* 15. a question of difficulty arising in the particular Church of *Antioch* and the dissention growing great about the same, they sent to *Hierusalem*, and there the Apostles and Presbyters convened, debated, concluded, and decreed the matter, and imposed the observation thereof upon *Antioch* and other Churches, ver. 1. 2. 6. 28. The Apostles would not meddle in the question without the Presbyters and other Bishops, there were none there nor in the Churches. And *felicius expediantur negotia commissa pluribus*, in the multitude of Counsellors, there is safety, *Proverb.* 11. 14.

And the change of our Laws (in case this House shall see cause for it) will not be so great difficulty as is conceived by some. For Ordination, admonition, suspention and deprivation of Presbyters, and the judgment of the fitnesse of persons to be invested into Benefices Ecclesiasticall, and the care of providing for the serving of Cures during the vacancy and avoydance of Churches, and the taking of the subscription of Ministers to the Articles of Religion, * and the visiting of Hospitals, whose founders have appointed no visitors, which are now * in the Bishop, may be settled in a convention of Presbyters, to be appointed for every hundred, from whom appeale may be had upon every gravamen to a greater Assembly of them, and those Presbyters, or any one of them, may be inabled to give the oaths of Supremacy & alleageance, where the Bishop is authorised to give the same. * And Excommunication may be ordered to be certified by the Parson, Vicar or Stipendary of that Church where the party is excommunicate. And all Churches presentative, may be filled by investure of the Patrons, and all questions concerning them be determined by the same rules of Law as Donatives are, And loyall Matrimony be tryed by a Jury where the woman is party to the suite, as now it is where she is not party, so *E.* 3. 15. p. 5. 1. *H.* 4. 4. Bp. 30. and as it is now, where the issue is *Nient sa femme*, 12. *E.* 3. Briefe 481. 50. *E.* 3. 15. *E.* 7. *H.* 6. 12. June 35. *H.* 6. 9. *P.* 16. *Choke* 8. *E.* 4. 12. a *Latour* And

* 13. *Eli.* c. 12.

* 14 *Eli.* cap. 5.

* 5 *Eliz.* c. 7. *Iac.* c. 6.

Bastardy

Bastardy generall and Bastardy beyond Sea, within the Statute, 25. E. 3. *De natis ultra mare*, May be made tryable by Jury, as now specyall Bastardy is 11. Ass. 20. 38. ass. 24. 39. E. 3. 31. 6. & 7. Ed. 6. Dier. 79. B. 52. So tithes may be reduced to the common Law and be sued, for there, as it was ever in the case of the King or his debtor 38. ass. 20. Cokes. 5. 16. a *Cawdreis* case, and as it is by the State of 2. and 3. E. 6. cap. 13. And for the Bishops attendance on tryals of life, it is needlesse he being no Judge in it, but the Court, who may appoint any other, or doe it themselves. And for Sacring of Churches and other dead things, it is fit to be neglected and left off, being a Popish vaine superstition, and without colour of countenance from the word of God, the Leviticall consecrations being typicall and shaddowes of the good things we enjoy under the Gospel, *Heb.* 9. 19, &c.

The Bishop being thus reformed and reduced to a condition and state agreeable to the word of God (the onely right * rule of reformation.

25. Exo. 40. Chro. 28 1. 19. Ezek. 43. 10. Cor. 4. 6.

The Deanes Chapters, Vicars Generall, Chancellors, and the rest of his Trayne, *qua tales* (being *telluris inutile pondus*) are to be removed and taken away also as superfluous and uselesse.

We have intrusted the Episcopacy these fourescore and two yeares with the cure of soules, a trust of the highest concernment, if we consider the price of our soules, Our Saviour is at a stand in it, *What shall a man give in recompence for his soule?* * the price of it is best seene in the price given for it, God & man must become a curse to redeem it.

Mat. 16. 6.

How have they discharged this trust? Survay the Churches throughout the Kingdome, and you shall find neer eight parts of tenne of them filled with Idoll, idle, or scandalous Ministers, whom the Bishops might have by law refused, if discovered unto them before hand, and ought to have removed being discovered unto them afterward. And it hath abundantly appeared this Parliament upon examinations taken in this House of Commons and the Committes thereof; that when Ministers extreamely scandalous, have beene discovered to the Bishops and their officers, and in the High-commission Court, they have received no further censure then admonition, or to be put to purgation, and so he sent home to destroy more soules, as if they had not done sufficiently in that way before.

But if any godly, learned, painfull Preacher have beene discovered by them, they have sought out all occasions against such, to thrust them out of the Church, and lay their Congregations waste and desolate,

late, and every trifle, though indifferent in their owne account, hath beene made use of, and sufficed them for this; yea, they have made occasions and traps to overthrow such worthies without Law, and against Law.

And herein they have inherited the vertues of *Diotrephes* their first predecessor, who would not receive the brethren, & forbad them that would, and cast both out of the Church, *John* 3. 10.

And though some of the Bishops have bin, and are good men, yet look into their Dioceſſe, and the Churches in their gift, and judge whether they be good Bishops or no; you shall finde them as faulty concerning this great trust, as any of the rest. And whether it bee not from hence evident, or at least greatly to be suspected, that some curse cleaves to the very office of Bishops, when good men cannot manage it to any better purpose then the bad; let any man judge.

This spirituall Monarchy hath two incidents inseperable unto it; first, that it is alwayes incroaching and usurping upon other powers, and swallowing them up, as the *series* of all ages aboundantly manifests. Secondly, that it is ever inclining to Popery, and the religion of Antichrist, as hath most clearely appeared, even in our dayes, aswell as before, since the restoring of Religion; I shall for this time instance onely in three places of the Rubrick, corrupted by Bishops: In the Rubrick confirmed by Act of parliament, in the beginning of it, It is directed, that prayer shall bee in such place of the Church or Chancell, and the Minister shall so turne him, as the people may best heare.

In the Rubrick as it is now printed, prayer shal be used in the accustomed place, &c. except it shal be otherwise determined by the Ordinary: Whereby they have introduced the popish practice of reading prayers at the upper end of the Chancell at their Altar, where few in the Church can see them, and fewer heare them; and of turning their faces to the East, and their backs to the people in reading in the Deske, and colour all with the determination of the Ordinary.

Secondly, in the Letany there are these words in the Booke of Common-prayer confirmed by the Statutes of 5. and 6. *Ed.* 6. and of 1. *Eliz.* From the tyranny of the Bishop of *Rome*, and all his detestable enormities, good Lord deliver us: and that the Bishops in the latter bookes have caused to be left out wholly.

Thirdly, in the Rubrick concerning he administration of the L. Supper, as it stands now altered, an excellent declaration of the reason why kneeling at the Sacrament was left in the reformation, and a renunciati-

on of Transubstantiation, consubstantiation, adoration of the bread and wine, as abominable Idolatries, are wholly obliterate and left out, that the use of that gesture there might be rendred the more suspitious and superstitious, and a more cleare way might be made to induce the popish superstitious innovations, that have beene since obtruded upon us, concerning the Table, Altar, supereminent presence of God Almighty there, cringings, Altar-worship, and the like. And I conceive these alterations were made by the Bishops, as appeares unto me by the proclamation they procured to be set forth 5. Martii, 1. *Jacob.* concerning the booke of Common-prayer.

And how can things prosper better in the hands of the Episcopacy, when Gods blessing alone giveth out prosperity, and the Lord disposeth his blessing in his owne way onely, and not in any other.

And this being no plant planted by God in his Church, how can it be expected it should yeeld us any better fruits then wee have receved from it.

Againe, (if I be not much deceived) the Episcopacy in whatsoever it exceeds the *Presbyters* Office (in which sence onely I speake of it) is a branch of the Hierarchie of *Rome*, and of the Antichrist: and of that consider what is prophesied, *Revel.* 14. 11. They shall not have any rest day nor night, that receive any print of the name of the Beast, and examine the former and present times; whether the same hath not been verified among us, and in all such places where that Hierarchie hath been entertained, whether the most troubles and miseries of the Churches, and in great part also of the Common-wealth, have not sprung from the said Episcopacy, and the fruits thereof?

Therefore let us proceed to the perfecting of the reformation of our Church, and to the gathering out of it every stone that offends, even whatsoever is not according to God, and the standard of his Word, and reduce every thing in the Government to the rule, and walk in it in Gods way, which is the sure way to have his presence with us, and blessing upon us and ours for ever.

It hath ever beene a point of higher honour from God, and of greater acceptance and esteeme with him to advance † the reformation of his Church and worship; and was and ever will be a reproach from him, and blot upon such as have left any thing not agreeable to his Word unreformed * and not taken away; up then, let us be doing, † and the Lord will goe before us, and make plaine all mountaines * that may occurre in our way, and give a blessed issue and successe.

FINIS.